

#14

PATENT  
ATTORNEY DOCKET NO.: DIVER1280-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Short and Keller      Art Unit: 1636  
Application No.: 09/848,185      Examiner: Bronwen Loeb  
Filed: May 3, 2001  
Title: METHOD FOR OBTAINING AN ENRICHED DNA SAMPLE  
CONTAINING ENZYMES OF SPECIFIED ACTIVITY (As amended)

**BOX AF**

Commissioner for Patents  
Washington, D.C. 20231

Considered  
final 3/24/03

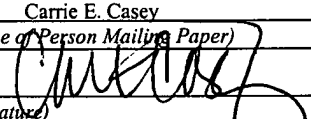
**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

I, Jay M. Short, Ph.D., do hereby declare and state that:

1. I presently hold the positions of President, Chief Executive Officer and Chief Technology Officer of Diversa Corporation, formerly known as Recombinant Biocatalysis, Inc., having a place of business at 4955 Directors Place, San Diego, CA 92121.

2. Diversa Corporation is the Assignee of 100 percent interest in Application Serial No. 09/848,185, filed May 3, 2001, entitled METHOD FOR OBTAINING AN ENRICHED DNA SAMPLE CONTAINING ENZYMES OF SPECIFIED ACTIVITY (As amended), as evidenced by the Assignment to Recombinant Biocatalysis, Inc, a Delaware Corporation, recorded on September 22, 1998 in the United States Patent and Trademark Office on Reel 9488, Frame 0675. A certified copy of the name change from Recombinant Biocatalysis, Inc. to Diversa Corporation is already of record in this application.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>March 5, 2003</b> , in an envelope addressed to: <b>Box AF</b> , Commissioner for Patents, Washington, D.C. 20231.	
Carrie E. Casey	
(Name of Person Mailing Paper)	
	
(Signature)	March 5, 2003 (Date)

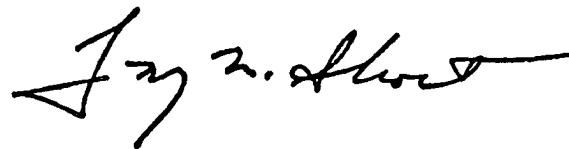
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3. Diversa Corporation is the Assignee of 100 percent interest in U.S. Patent No. 5,958,672, issued May 2, 2000, entitled SCREENING FOR NOVEL BIOACTIVITIES, as evidenced by the Assignment to Recombinant Biocatalysis, Inc. recorded on June 3, 1996 States Patent and Trademark Office on Reel 8018/0180.

4. Diversa was co-owner of the inventions described in Application Serial No. 09/848,185, filed May 3, 2001, filed May 3, 2001, and U.S. Patent No. 5,958,672 at the time of the respective inventions.

5. I further declare that all statements made herein of knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/5, 2003



Jay M. Short, Ph.D.